

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KENNETH N. MILLER,

Plaintiff,

vs.

**UNION PACIFIC RAILROAD COMPANY,
a Delaware Corporation;**

Defendant.

8:18CV149

**FOURTH AMENDED ORDER SETTING
FINAL SCHEDULE FOR
PROGRESSION OF CASE**

This matter comes before the court on the parties' Joint Motion to Amend Dates in the Court's 7-24-19 Order for Setting Final Schedule for Progression of Case (Filing No. 54). After review of the motion, the Court finds good cause to extend the case progression deadlines. Accordingly,

IT IS ORDERED that the parties' Joint Motion to Joint Motion to Amend Dates in the Court's 7-24-19 Order for Setting Final Schedule for Progression of Case (Filing No. 54) is granted, and the follow case progression deadlines shall apply:

- 1) The jury trial of this case remains set to commence before Brian C. Buescher, United States District Judge, in Courtroom 5, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m. on Tuesday, May 12, 2020**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference remains scheduled before the undersigned magistrate judge on **May 1, 2020**, at **10:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m. on April 24, 2020**.
- 3) The deadlines for identifying expert witnesses expected to testify at the trial, and to complete expert disclosures,¹ (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#))),

¹While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	December 2, 2019
For the defendant:	December 31, 2019
Plaintiff's rebuttal:	January 17, 2020

- 4) The deposition deadline is **January 31, 2020**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment remains **January 31, 2020**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 31, 2020**.
- 7) Motions in limine shall be filed seven (7) days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 9th day of October, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge